

Title IV-E Findings: Legal Citations

Revised January 1, 2002

FEDERAL (Title IV-E of the Social Security Act, 42 U.S.C. § 670 et seq.)	CALIFORNIA <div> DEPENDENCY Welf. & Inst. Code (WIC), § 300 et seq. </div> <div> DELINQUENCY WIC, § 602 et seq. </div>
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Definition of “date the child entered foster care”:

Dependency—Date the child entered foster care is the earlier of the first finding of child abuse or neglect (jurisdictional finding) or 60 days after the child is physically removed from the home of the parent(s) or legal guardian(s). (WIC, § 361.5(a); Cal. Rules of Court, rule 1401(7) and (13).)

Delinquency—Date the child entered foster care is the date that is 60 days after the date on which the child was physically removed from the home of the parent(s) or legal guardian(s) unless one of the following exceptions applies: 1) If the child is detained pending initial foster care placement and remains detained for more than 60 days, then the date of entry into foster care is the date of the hearing when placement is ordered; (2) If the child is adjudged a ward; committed to a ranch, camp, school, or other institution; and remains in that facility for more than 60 days prior to placement in foster care, then the date of entry into foster care is the date the child is physically placed in foster care. (WIC, § 727.4(d)(4); Cal. Rules of Court, rule 1401(7)(B).)

Recommended Title IV-E Findings to Ensure Federal Foster Care Reimbursement

Findings must be based on sufficient supporting evidence, presented to the court by the probation department or social services agency.

I. Detention/Removal Hearings

Make the following findings:

- A. Continuance in the home is contrary to the child's welfare;
- B. Temporary placement and care are vested with the child welfare agency *or* probation department; and
- C. Reasonable efforts have been made to prevent removal.

II. PrePermanency Case Review/Status Review Hearings

Make the following findings:

- D1. The child's placement is necessary and appropriate;
- D2. The agency has complied with the case plan by making reasonable efforts to enable the child's safe return home and to complete whatever steps are necessary to finalize the permanent placement of the child;
- D3. The extent of progress made by the family toward alleviating or mitigating the causes necessitating placement has been _____; and
- D4. The likely date by which the child may be returned to and safely maintained in the home *or* placed for adoption, appointed a legal guardian, placed permanently with a relative, or placed in another planned permanent living arrangement is ____/____/____.

III. Permanency Hearing

Make the following findings:

- D1. The child's placement is necessary and appropriate;
- D2. The agency has complied with the case plan by making reasonable efforts to make it possible for the child to safely return home and to complete whatever steps are necessary to finalize the permanent placement of the child;
- D3. The extent of progress made by the family toward alleviating or mitigating the causes necessitating placement has been _____; and
- D5. The permanent plan of _____ is appropriate and is ordered as the permanent plan.
 - ☐ *return home* **or**
 - ☐ *adoption* **or**
 - ☐ *legal guardianship* **or**
 - ☐ *permanent placement with a fit and willing relative* **or**
 - ☐ *planned permanent living arrangement*

IV. PostPermanency Periodic Review Hearings

Make the following findings:

- D1. The child's placement is necessary and appropriate;
- D2. The agency has complied with the case plan by making reasonable efforts, including whatever steps are necessary to finalize the permanent placement of the child; and
- D5. The permanent plan of _____ is appropriate and is ordered as the permanent plan.
 - ☐ *return home* **or**
 - ☐ *adoption* **or**
 - ☐ *legal guardianship* **or**
 - ☐ *permanent placement with a fit and willing relative* **or**
 - ☐ *planned permanent living arrangement*

"This publication/document/chart/memorandum is based on laws in effect at the time of publication (January 2002). Federal and state laws can change at any time."